

### Remarks/Arguments

This Amendment is in response to the Office Action mailed February 27, 2004. Claims 1-50 are pending in this case. Claims 1-50 have been rejected. Claims 3, 8-11, 14, 15, 21, 22, 31, 32, 34, 40, 43 and 45 herein been amended. Claims 1, 2, 4-7, 12-13, 16-20, 23-30, 33, 35-39, 41, 42, 44, and 46-50 remain unchanged.

Claims 31, 32, 34, 43 and 45 have been objected to because of minor informalities. Accordingly, Claims 31, 32, 34, 43 and 45 have herein been amended to remove the informalities, and to overcome the Examiner's objection.

Claims 11, 21 and 22 have been rejected for being indefinite under 35 U.S.C. §112, second paragraph, because of minor informalities. Accordingly, Claims 11, 21 and 22 have herein been amended to remove the informalities, and to overcome the Examiner's rejection. Amendments to Claims 3, 10, 15 and 40 have further been made to remove similar informalities.

Additionally, in order to more clearly particularly point out and distinctly claim Applicant's method, Claims 8-10 and 14 have been amended to remove the "means-plus-function" language from these method claims.

Claims 1-7 and 15-39 have been rejected under 35 U.S.C. §102(b) as being anticipated by Belgian Patent No. 628233 (the

"Belgium '233 patent"). For the following reasons, the Examiner's rejection is respectfully traversed.

The Belgium '233 patent does not meet every limitation of Claims 1-7 and 15-39 as required under 35 U.S.C. §102(b). In general, Claims 1-7 and 15-39 are directed towards an apparatus or system which combines multiple small stacks of mailpieces into a single large stack of mailpieces in a desired sequence, then the large stack is transferred into a mail tray. The Belgium '233 patent does not combine multiple small stacks of mailpieces into a single large stack of mailpieces, and is largely unrelated to the art of mail processing. The Belgium '233 patent illustrates cartons or items being packed into a box. No stacks of any items are being combined into a single large stack. Instead, four single items are positioned above four subsequent items, which are fed directly into and packed side by side in a box.

Accordingly, the Belgium '233 patent fails to anticipate the means for combining multiple small stacks of mailpieces into a single large stack of mailpieces, and means for transferring the large stack of mailpieces into a tray, as in Applicants' Claim 1. Again, the Belgium '233 patent does not combine small stacks of mailpieces into a single large stack of mailpieces.

The Belgium '233 patent fails to show means for releasably engaging a tray, as in Applicants' Claim 2. The box in the Belgium '233 patent appears to freely sit on a pivoting platform without being releasably engaged.

The Belgium '233 patent fails to show means for conveying a stream of small stacks of mailpieces, as in Applicants' Claim 3. The basic conveyor in the Belgium '233 patent would not be functional to convey a stack of mailpieces, as any such stack would likely tip or fall.

The Belgium '233 patent fails to show that the means for combining includes a fork lift assembly, as in Applicants' Claim 4. Again, the Belgium '233 patent fails to anticipate any means for combining multiple small stacks of mailpieces.

The Belgium '233 patent fails to show that the fork lift assembly is moved into and out of engagement with a large stack of mailpieces, as in Applicants' Claim 5. The Belgium '233 patent fails to lift a stack of mailpieces, and only lifts single cartons which are not stacked.

The Belgium '233 patent fails to show that the means for transferring includes a plurality of driven rollers, as in Applicants' Claim 6 and 7. Instead, the Belgium '233 patent simply pushes the cartons into the box with pusher element 248.

The Belgium '233 patent fails to show a bridge conveyor delivering a stream of small stacks of mailpieces to a stack accumulator; fails to show a stack accumulator combining small stacks of mailpieces into a single large stack of mailpieces in a desired sequence; and fails to show an output tray station engaging a mail tray and releasing the mail tray once filled, as in Applicants' Claim 15. Again, the Belgium '233 patent fails to anticipate a conveyor for stacks of mailpieces, a stack accumulator for accumulating the small stacks into a single large stack, or a traying station which engages and releases a tray.

The Belgium '233 patent fails to anticipate successive placement of small stacks on the bottom of a large stack, as in Applicants' Claim 16. Again, the Belgium '233 patent does not combine multiple small stacks of mailpieces into a large stack.

The Belgium '233 patent fails to anticipate a bridge conveyor for stacks of mailpieces, having a plurality of belt drives (Claim 17) including a bottom belt drive and a side belt drive (Claim 18), as in Applicants' Claims 17 and 18 respectively. Again, the Belgium '233 patent fails to anticipate a bridge conveyor for stacks of mailpieces.

The Belgium '233 patent fails to show that the stack accumulator includes a fork lift assembly (Claim 19) which releasably engages a large stack (Claim 20), as in Applicants'

Claims 19 and 20 respectively. Again, the Belgium '233 patent fails to anticipate any lift assembly for accumulating multiple small stacks of mailpieces into a single large stack.

The Belgium '233 patent fails to show a sensor for initiating a fork lift cycle (Claim 21), and a fork lift assembly moved into and out of engagement with a large stack of mailpieces as described in Applicants' Claim 22. Again, the Belgium '233 patent fails to lift a stack of mailpieces, and only lifts single cartons which are not stacked.

With respect to Claims 23-28, the Belgium '233 patent fails to anticipate a stack accumulator having a plurality of rollers (Claim 23), including driven bottom rollers and driven side rollers (Claim 24), a top roller (Claim 25) being connected to a pivot arm which triggers a stack height limit sensor (Claim 26), whereupon the stack accumulator transfers the large stack to the mail tray (Claim 27) via cooperation of the plurality of rollers (Claim 28). The Belgium '233 patent has no such anticipating structure.

With respect to Claims 29-34, the Belgium '233 patent fails to anticipate a stack accumulator having a plurality of guides (Claim 29), including a side guide assembly (Claim 30) which is retractable (Claim 31) and has high friction belt strips (Claim 32), or a rear guide assembly (Claim 33) comprising a flexible

belt (Claim 34). The Belgium '233 patent has no such anticipating structure.

With respect to Claims 35 and 36, the Belgium '233 patent fails to anticipate a stack accumulator having a gate (Claim 35) and a pusher arm (Claim 36). The Belgium '233 patent has no such anticipating structure.

With respect to Claims 37-39, the Belgium '233 patent fails to anticipate an output tray station including a tray latch assembly (Claim 37), a tray support ledge (Claim 38), and at least one mail guide (Claim 39). The Belgium '233 patent has no such anticipating structure.

Claims 8-14 and 40-50 have been rejected under 35 U.S.C. §102(e) as being clearly anticipated by Hendrickson et al., U.S. Patent No. 6,241,099 B1 ("the '099 patent"). For the following reasons, the Examiner's rejection is respectfully traversed.

The '099 patent does not meet every limitation of Claims 8-14 and 40-50 as required under 35 U.S.C. §102(e). In general, Claims 8-14 and 40-50 are directed towards a method which combines multiple small stacks of mailpieces into a single large stack of mailpieces in a desired sequence, then the large stack is transferred into a mail tray. The '099 patent does not combine multiple small stacks of mailpieces into a single large stack of mailpieces. To the contrary, the '099 patent discloses

a system wherein mailpieces are staged, and then merged individually into single output stream, and then individually fed into a tray.

Accordingly, the '099 patent fails to anticipate the steps of combining multiple small stacks of mailpieces into a single large of mailpieces, and transferring the large stack of mailpieces into a tray, as in Applicants' Claim 8. Again, the '099 patent does not combine small stacks of mailpieces into a single large stack of mailpieces.

The '099 patent fails to show the step of releasably engaging a tray during the step of transferring, as in Applicants' Claim 9. The tray in the '099 patent appears to freely sit on a platform without being releasably engaged (see Figure 11).

The '099 patent fails to show the step of conveying a stream of small stacks of mailpieces, as in Applicants' Claim 10. The conveyor in the '099 patent would not be functional to convey a stack of mailpieces, as any such stack would likely tip or fall.

The '099 patent fails to show that the step of combining includes using a fork lift assembly, as in Applicants' Claim 11. Again, the '099 patent fails to anticipate the combining of multiple small stacks of mailpieces. It is noted that the

shelves S in the staging assembly of the '099 patent (see Figure 3) lift individual mailpieces, not stacks.

The '099 patent fails to show the step of selectively positioning the fork lift assembly into and out of engagement with a large stack of mailpieces, as in Applicants' Claim 12. The '099 patent fails to lift a stack of mailpieces.

The '099 patent fails to show the step of driving a plurality of rollers in contact with a large stack, as in Applicants' Claim 13, or the step of pushing a large stack, as in Applicants' Claim 14. The '099 patent neither drives nor pushes a large stack of mailpieces.

The '099 patent fails to anticipate a method for combining multiple small stacks of mailpieces into a single large stack, comprising the steps of, conveying a stream of small stacks of mailpieces via a bridge conveyor; combining the small stacks of mailpieces into a single large stack of mailpieces in a desired sequence via a stack accumulator; and transferring the large stack to a mail tray via the stack accumulator, as in Applicants' Claim 40. Again, the '099 patent fails to anticipate conveying and combining small stacks of mailpieces into a single large stack and transferring the large stack into a tray.



The '099 patent fails to anticipate the step of releasably engaging a tray, as in Applicants' Claim 41. Again, the '099 patent simply supports rather than engages the tray.

The '099 patent fails to anticipate the step of placing successive small stacks on the bottom of a large stack, as in Applicants' Claim 42. Again, the '099 patent does not combine multiple small stacks of mailpieces into a large stack.

The '099 patent fails to show the steps of engaging and holding a large stack, advancing a small stack under the large stack, retracting the fork lift assembly to release the large stack onto the small stack, lowering the fork lift assembly below the large stack, advancing the fork lift assembly under the large stack, and raising the large stack to complete a fork lift cycle, as in Applicants' Claim 43. Again, the '099 patent fails to anticipate utilizing any lift assembly for accumulating multiple small stacks of mailpieces into a single large stack.

The '099 patent fails to show the step of sensing an advancing small stack to initiate the fork lift cycle, as in Applicants' Claim 44. Again, the '099 patent fails to lift a stack of mailpieces during a fork lift cycle.

The '099 patent fails to anticipate the step of driving small stacks of mailpieces, as in Applicants' Claim 45. Again, the '099 patent fails to convey stacks of mailpieces.

With respect to Claims 46-49, the '099 patent fails to anticipate driving a plurality of rollers in the stack accumulator to transfer a large stack to a tray (Claim 46), opening a stack transfer gate (Claim 47), sensing the stack height to initiate stack transfer (Claim 48), and activating a pusher arm to push the stack and assist in the transfer to the mail tray (Claim 49). The '099 patent has no such anticipating steps.

With respect to Claim 50, the '099 patent fails to anticipate engaging a tray with a tray latch assembly. The '099 patent has no such anticipating step.

It is respectfully submitted that none of the prior art of record, either alone or in combination, fairly teaches, suggests or discloses the novel and unobvious features of Applicants' claims. Accordingly, Applicants respectfully assert that the claims as presented herein are now in condition for allowance. An early notice allowance is respectfully requested.

Any arguments of the Examiner not specifically addressed should not be deemed admitted, conceded, waived, or acquiesced by Applicants. Any additional or outstanding matters the Examiner may have are respectfully requested to be disposed of by telephoning the undersigned.

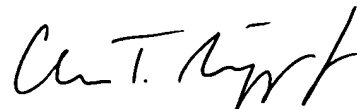
A Petition for an Extension of Time is enclosed along with a form PTO-2038 authorizing a credit card charge to cover the extension fee.

The Commissioner is hereby authorized to charge any fees which may be required, including if necessary the above fees if there is any problem with the credit card charge, to Deposit Account No. 16-0657.

A postcard is enclosed evidencing receipt of the same.

Respectfully submitted,

**PATULA & ASSOCIATES, P.C.**

A handwritten signature in cursive script, appearing to read "Ch. T. Riggs Jr.", written in dark ink.

Charles T. Riggs Jr.  
Reg. No. 37,430  
Attorney for Applicants

PATULA & ASSOCIATES, P.C.  
116 S. Michigan Ave., 14th Floor  
Chicago, Illinois 60603  
(312) 201-8220

01C37